

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 1:22-cv-06932-JLR

RICHARD FICHTL,

Plaintiff,

vs.

FIRST UNUM LIFE
INSURANCE COMPANY,

Defendant.

DECLARATION OF GREGORY M. DELL

GREGORY M. DELL, an attorney for Plaintiff Richard Fichtl and admitted to practice in this Court, declares pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct:

1. My name is Gregory M. Dell. I make this declaration in support of Plaintiff's application for attorney's fees in the above-captioned lawsuit.
2. I received a bachelor's degree from Washington University in Saint Louis in 1997 and a *juris doctor* degree from Yeshiva University's Cardozo School of Law in 2000.
3. I am the managing partner and sole shareholder of Attorneys Dell and Schaefer, Chartered ("Dell & Schaefer"), the firm representing Plaintiff. Founded in 1979, Dell & Schaefer currently has thirteen attorneys. ERISA disability litigation on behalf of plaintiffs comprises the great majority of Dell & Schaefer's business and has done so for many years. My practice has focused mainly on disability litigation, and particularly ERISA disability litigation, since 2003.

4. I have authored or co-authored several published articles and a treatise on disability litigation issues.

5. Federal ERISA litigation is a difficult field in which relatively few attorneys practice. Representing disability plaintiffs in ERISA cases requires specialized knowledge and experience, including deep familiarity with the complex procedural regulations issued by the Department of Labor to govern administration of employee benefit plans. To assert claims and prove disability, the practitioner must be highly conversant with the symptoms and impairments caused by numerous disabling medical conditions, and with the physical and cognitive requirements of a multitude of occupations.

6. Attached hereto are billing records setting forth (a) the compensable time entries of the three attorneys who participated in the representation of Plaintiff in this matter, and (b) the costs incurred by Plaintiff.

7. As documented in the records attached hereto, I have expended a total of 8.3 hours performing legal services on behalf of Plaintiff. The great majority of this time was spent performing an initial claim review and drafting Plaintiff's complaint. Based on my 20-plus years of experience as an ERISA disability litigator, all time expended was necessary and appropriate.

8. The time entries for my work as set forth in the billing records attached hereto are based on my contemporaneous written recording of the time expended on each task listed.

Dated: April 22, 2024

/s/Gregory M. Dell
Gregory M. Dell